

KELLAHIN & KELLAHIN  
Attorney at Law

W. Thomas Kellahin  
New Mexico Board of Legal  
Specialization Recognized Specialist  
in the area of Natural resources-  
oil and gas law

P.O. Box 2265  
Santa Fe, New Mexico 87504  
117 North Guadalupe  
Santa Fe, New Mexico 87501

Telephone 505-982-4285  
Facsimile 505-982-2047  
tkellahin@aol.com

March 13, 2003

VIA FACIMILE

Mr. Michael E. Stogner  
Chief Hearing Examiner  
Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

Re: NMOCD Case No. 13068  
Application by the Division to determine the  
responsible party for alleged soil contamination  
at the Gary Johnson site  
Lea County, New Mexico

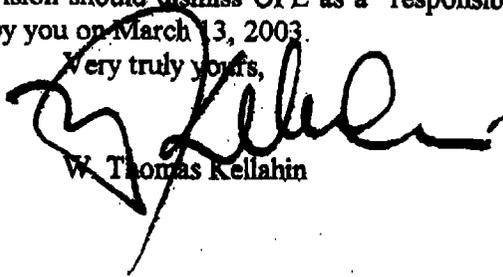
Dear Mr. Stogner:

On behalf of Occidental Petroleum Ltd. ("OPL"), and based upon your decision yesterday afternoon, please find enclosed OPL's amended pre-hearing statement.

In response to Samedan Oil Corporation's motion for reconsideration of its motion for a continuance filed at 4:45PM yesterday, OPL's states: (1) On March 10, 2003, counsel for Samedan did not request that counsel for OPL agree to a continuance and none was given; (2) On March 10 and March 11, counsel for OPL told counsel for Samedan that OPL was opposed to any continuance; (3) contrary to the allegations contained on Samedan's motion for reconsideration, OPL's witnesses are not the same in this case as for Case 13017 pending on the same docket.

OPL still maintains that the Division should dismiss OPL as a "responsible party" in this case, which is currently set for hearing by you on March 13, 2003.

Very truly yours,

  
W. Thomas Kellahin

Copies delivered by facsimile:  
David Brooks, Esq. (OCD-attorney)  
J. Scott Hall, Esq. (Shell)  
Paul Owen, Esq. (Samedan)

STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION  
FOR THE PURPOSE OF CONSIDERING:

APPLICATION OF THE NEW MEXICO OIL  
CONSERVATION DIVISION THROUGH THE  
ENVIRONMENTAL BUREAU CHIEF, FOR AN  
ORDER DETERMINING THE RESPONSIBLE  
PARTY OR PARTIES AND ORDERING THE  
RESPONSIBLE PARTY OR PARTIES TO  
CONDUCT DIVISION-APPROVED CORRECTIVE  
ACTION WITH RESPECT TO A HYDROCARBON  
RELEASE (GARY JOHNSON COMPLAINT)  
LEA COUNTY, NEW MEXICO

CASE NO. 13004

**AMENDED PRE-HEARING STATEMENT**

This amended pre-hearing statement is submitted by Occidental Permian Ltd. ("OPL") as required by the New Mexico Oil Conservation Division.

On March 5, 2003, OPL filed a motion to be dismissed as a party in this case and on March 7, 2003 filed its pre-hearing statement referencing this motion and reversed the right to file an amended prehearing statement after the Division ruled on OPL's motion.

Yesterday afternoon at 2:45 pm, the Division Examiner notified OPL that "At this time, OPL's motion is hereby denied." Based upon the Examiner's decision, OPL anticipates that it will call Ward Bentley as a witness and estimates about 45-60 minutes of direct testimony and approximately 26 exhibits.

**APPEARANCES OF THE PARTIES**

**APPLICANT**

Oil Conservation Division

**ATTORNEY**

David R. Brooks, Esq.

**OPPONENT**

Occidental Permian Ltd.

Samedan Oil Corporation  
Shell Oil Corporation

**ATTORNEY**

W. Thomas Kellahin, Esq.  
Carolyn Tillman, Esq.  
John Soule, Esq.

Paul Owen, Esq.  
J. Scott Hall, Esq.

**STATEMENT OF THE CASE**

As its statement of the case, Occidental Permian Ltd. hereby incorporates by reference its Motion to Dismiss OPL as a responsible party, and supporting brief, as filed on March 5, 2003.

**PROPOSED EVIDENCE**

OPL WITNESSES	EST. TIME	EST. EXHIBITS
Ward Bentley	45-60 min.	@ 26

**PROCEDURAL MATTERS**

Respectfully Submitted,




---

W. Thomas Kellahin  
KELLAHIN & KELLAHIN